

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-18-333
)	
)	DECISION
CHAD ALAN COLGROVE,)	
)	
Defendant.)	

On October 2, 2018, Defendant was sentenced to the Department of Corrections for two (2) years to complete a residential alcohol treatment program for the offense of Count I: Operation of Noncommercial Vehicle or Commercial Vehicle by Person Under the Influence of Delta-9-Tetrahydrocannabinol (THC), a felony. After completion of the treatment program, the remainder of the two- year sentence was ordered to be served on probation followed by an additional five (5) years of probation, all suspended, and a \$5000 fine. Defendant received credit for time served from March 20, 2018 through October 2, 2018.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from Dawson County Correctional Facility and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21st day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
Chad Alan Colgrove #3024958, Defendant (2)
Hon. Gregory Todd
Brent Getty, Defense Counsel
Robert S. Spoja, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division